

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input type="checkbox"/> CENTRAL DIVISION, FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, MADGE BRADLEY, 1409 4TH AVE., SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	<i>FOR COURT USE ONLY</i>           CASE NUMBER
PETITIONER(S)	
RESPONDENT(S)	
<b>ORDER DENYING EX PARTE REQUEST FOR DOMESTIC VIOLENCE TEMPORARY RESTRAINING ORDERS</b>	

THE COURT HAS **NOT** GRANTED YOUR REQUEST FOR A TEMPORARY RESTRAINING ORDER.

**REASONS TEMPORARY RESTRAINING ORDERS (“TRO”) WERE DENIED:**

- Your request for temporary restraining orders does not reasonably prove, by legally admissible evidence, that the party to be restrained either:
  - A. Intentionally or recklessly caused an injury or attempted to commit or committed a sexual assault; or
  - B. Committed an act of abuse that created a reasonable apprehension of imminent serious bodily injury to the person(s) to be protected; or
  - C. Engaged in behavior that has been or could be prohibited pursuant to Fam. Code §6320, such as harassment (Code Civ. Proc. §527.6), stalking (Pen. Code §646.9), destruction of property or other abusive acts (Fam. Code §§6300, 6203).
- Your Request for Order does not describe in sufficient detail the most recent incidents of abuse – such as what happened, when it happened, who did what to whom and a description of any injuries inflicted on you or the other persons to be protected, and any earlier acts of abuse. (Refer to paragraph 22 on the Request for Order)
- Your request for child custody orders cannot be made on an ex parte basis because there has not been a showing of actual harm, a significant risk of harm to the child or an immediate risk that the child will be removed from this state. (Fam. Code §3064)
- You and the person to be restrained do not have a relationship that qualifies you for domestic violence restraining orders. (Fam. Code §6211)
- The Request for Order does not give reasonable notice to the person to be restrained of the facts upon which your request is made or otherwise afford sufficient due process as required by law.
- Other: \_\_\_\_\_  
\_\_\_\_\_

The court has **NOT** granted your request for a TRO **but will set the matter for a noticed hearing if you so desire.** Some persons believe that their safety may be compromised if a hearing is scheduled without a TRO in place. If you believe that setting this matter for a noticed hearing without the issuance of a TRO compromises your safety, you may instruct the court not to schedule the matter for hearing.

<input type="checkbox"/> <b>I have been informed of my right to a hearing even if the TRO is denied and understand that my safety may be compromised if a hearing is scheduled without a TRO in place. I further understand that unless I am willing to wait for the court’s order, I must make my decision about the future hearing without knowing whether the TRO is granted or denied. I INSTRUCT THE COURT TO:</b>  <input type="checkbox"/> Set the matter for a noticed hearing even though my TRO may be denied. <input type="checkbox"/> <b>NOT</b> set the matter for a hearing if my TRO is denied. Date: _____ Initials: _____
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SHORT TITLE	CASE NUMBER
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If you choose to have a hearing set, the following time for service is required:

Petitioner  
Anyone over age 18 (other than yourself) must "serve" the respondent with a copy of this order, and all supporting papers filed with the court, including the application and affidavits, at least \_\_\_\_\_ days before the hearing or pursuant to code.

Respondent  
If you would like to respond in writing, complete and file an Answer to Temporary Restraining Order (JC Form #DV-120). Anyone over age 18 (other than yourself) must "serve" a copy of your completed Answer to Temporary Restraining Order and all other opposing papers on the petitioner or their attorney at least \_\_\_\_\_ days before the hearing or pursuant to code.

Date: \_\_\_\_\_ Judge/Commissioner of the Superior Court

**HEARING INFORMATION:**

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m. Department: \_\_\_\_\_

- Court Address:
- CENTRAL DIVISION, FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA 92101
  - CENTRAL DIVISION, MADGE BRADLEY, 1409 4TH AVE., SAN DIEGO, CA 92101
  - EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
  - EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065
  - NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
  - SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

**ADDITIONAL INFORMATION:**

If you have additional information that corrects the shortcomings of your Request for Order, you may submit that information in a declaration on a form available from the court. It can then be re-submitted with your Request for Order either today, if time permits, or any other day the court is open.

The facts stated in your Request for Order must be based on personal observations of the person who signs the declaration. Except in limited circumstances, the court cannot consider out of court statements by a witness or victim unless that person makes their statement in a written declaration under penalty of perjury.

The court may be able to grant the requested orders at the noticed hearing even if the temporary (ex parte) orders have been denied. You must be prepared to present reasonable, legally admissible proof at the noticed hearing that supports the facts stated in your Request for Order. At the hearing, the court will weigh the evidence provided by all parties to determine if permanent restraining orders should be issued.